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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,521	06/30/2003	Patrice R. Calhoun	6561/53770	4437
30505 7590 12/12/2007 LAW OFFICE OF MARK J. SPOLYAR 2200 CESAR CHAVEZ STREET SUITE 8 SAN FRANCISCO, CA 94124			EXAMINER CHAN, SAI MING	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/611,521

Applicant(s)

CALHOUN, PATRICE R.

Examiner

Sai-Ming Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-4, 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **McLampy et al. (U.S. Patent Publication # 20020114282)**.

Consider **claims 1 and 12**. Jones et al. clearly disclose and show a wireless network system, comprising

a plurality of access elements (column 1, lines 36-39 (access points)) for wireless communication (abstract (WLAN)) with at least one remote client element (fig. 1(12), column 5, lines 46-50) and for communication with a central control element (fig. 1(22), column 5, lines 46-59 (VAP server));

a central control element for supervising (fig. 2 (34 & 36), column 10, lines 32-54) said access elements, where the central control element is operative to manage, and control (fig. 2 (34 & 36), column 10, lines 32-54 (route , drop or route local)) the wireless connections between the access elements and corresponding remote client elements,

wherein the central control element is further operative to

detect a session initiation message (fig. 2 (34 & 36), column 10, lines 32-54 (look at SIP message)) associated with a remote client element, the session initiation message corresponding to a session between the remote client element and an end

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system (fig. 2 (34 & 36), column 10, lines 32-54 (SIP message from wireless terminal to call control device)),

However, Jones et al., do not specifically disclose the QoS and SIP.

In the same field of endeavor, McLampy et al. clearly shows:

process the session initiation message to determine a Quality-of-service (QoS) policy (paragraph 0099 (compare bandwidth request with QoS of policy))

associate the QoS policy to the session corresponding to the session initiation message (paragraph 0099 (SIP Invite msg defines bandwidth)), and

forward the session initiation message (paragraph 0099) ;

transmit the QoS policy (paragraph 0099 (add the policy)) to a first access element to which the remote client element is associated, and

wherein the first access element is operative to enforce the QoS policy (paragraph 0100 (send an ack to participate)) on data flows associated with the session.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate the QoS in SIP, as taught by McLampy et al., in order to provide an optimal communication path.

Consider **claim 2**, and **as applied to claim 1 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a computer network (column 6, lines 18-25 (software logic)) wherein the central control element (fig. 2 (34 processor), column 6, lines 18-25) is coupled to the computer network, and wherein the central control

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element is operative to

establish a tunnel with each access element for transmission of wireless traffic associated with corresponding remote client elements (column 2, lines 44-63 (tunnel from VAP to VPN terminator)), and

bridge network traffic between the computer network and a remote client element through a tunnel (column 2, lines 44-63 (tunnel from VAP to VPN terminator)) with a corresponding access element.

Consider **claim 3**, and **as applied to claim 2 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system wherein the access elements are each connected to the central control element via a direct access line (fig. 2 (42), column 7, lines 37-45).

Consider **claim 4**, and **as applied to claim 2 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system wherein the access elements are each operably coupled to the computer network (column 1, lines 36-39 (access points), fig. 2, column 7, lines 37-45).

Consider **claim 6**, and **as applied to claim 1 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system as described.

However, Jones et al., do not specifically disclose the QoS.

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In the same field of endeavor, McLampy et al. clearly shows the central control element is further operative to revoke (paragraph 0099 (compare request with QoS of policy)) previously granted QoS guarantees provided to at least one lower priority session, if enforcement of the QoS policy with all previously configured QoS policies exceeds a limit (paragraph 0099 (drop policy due to poor or insufficient quality)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate the QoS in SIP, as taught by McLampy et al., in order to provide an optimal communication path.

Consider **claim 9**, and **as applied to claim 6**, Jones et al., as modified by McLampy et al., clearly disclose and show a system wherein the limit is a maximum number of sessions.

Consider **claim 10**, and **as applied to claim 1 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system as described.

However, Jones et al., do not specifically disclose authentication mechanism.

In the same field of endeavor, McLampy et al. clearly shows a system further comprising a SIP server (fig. 2 (246 SIP proxy server)) including an application layer authentication mechanism (paragraph 0073 (password and userid));

and wherein the central control element is operative to

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maintain security states (fig. 3a (334 access right)) for remote client elements detected by the access elements,,

apply, at the access elements, a security mechanism to (fig. 3a (334 access right), paragraph 0073 (table 1)) control access to the wireless connections to remote client elements, wherein operation of the security mechanism is based on the security states of the remote client elements, and

adjust the security state (fig. 3a (334 access right), paragraph 0073 (table 1)) associated with a remote client element based on its interaction with the authentication mechanism associated with the SIP server.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate the authentication, as taught by McLampy et al., in order to provide an optimal communication path.

Consider **claim 11**, and **as applied to claim 10 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system wherein the central control element is operative to deny connections (column 1, lines 36-50 (needs to be authenticated before communication)) with an access element to a wireless client element that fails to properly authenticate (column 1, lines 36-50 (needs to be authenticated before communication)) with the authentication mechanism of the SIP server.

Claims 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **McLampy et al. (U.S. Patent Publication # 20020114282)**, and in view of **Amin et al. (U.S. Patent Publication # 20020152319)**.

Consider **claim 5**, and **as applied to claim 1 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system wherein the central control element transmit the QoS policy of the remote client from the first access element to a second access element (paragraph 0099 (add the policy)).

However, Jones et al., as modified by McLampy et al., do not specifically disclose handoff.

Furthermore, Amin et al. clearly disclose handoff (paragraph 0037 (during handoff; little interruption is involved)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate QoS and handoff, as taught by Amin et al., in order to provide a perfect communication path.

Consider **claim 7**, and **as applied to claim 6 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system as described.

However, Jones et al., as modified by McLampy et al., do not specifically disclose maximum bandwidth limit.

In addition, Amin et al. clearly disclose the limit is the maximum bandwidth associated with the access element (paragraph 0045 (default bandwidth during session establishment)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate maximum bandwidth limit, as taught by Amin et al., in order to provide a perfect communication path.

Consider **claim 8**, and **as applied to claim 6 above**, Jones et al., as modified by McLampy et al., clearly disclose and show a system as described.

However, Jones et al., as modified by McLampy et al., do not specifically disclose bandwidth limit is configurable.

In addition, Amin et al. clearly disclose bandwidth limit is configurable (paragraph 0043 (facilitate a change of bandwidth)).

Therefore it would have been obvious to a person of ordinary skill in the art at the

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time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate configurable bandwidth limit, as taught by Amin et al., in order to provide a perfect communication path.

Response to Amendment

Applicant's arguments filed on August 15, 2007, with respect to claims 1-6, 9 and 12, on page 6 and through page 9 of the remarks, have been fully considered and they are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jones et al., McLampy et. al., and Amin et al.

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Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Sai-Ming Chan

S.C./sc



December 5, 2007

Seema S. Rao
SEEMA S. RAO 12/6/07

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600